

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Pursuant to 28 U.S.C. § 636, the Court has reviewed the First Amended Complaint, all of the records herein, Defendants' motion to dismiss the First Amended Complaint ("Motion") and the parties' related briefing, the August 4, 2016 Report and Recommendation of United States Magistrate Judge ("Report"), and Plaintiff's Objections to the Report ("Objections"). Pursuant to 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b), the Court has conducted a *de novo* review of those portions of the Report to which objections have been stated.

The Court concludes that the arguments presented in the Objections do not affect or alter the analysis and conclusions set forth in the Report. However, in adopting the Report, the Court amends the Report to delete the word “permanent” on line 5 of page 25.

1 Accordingly, IT IS ORDERED THAT:

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3 (1) Plaintiff's deliberate indifference claims against Defendants Donnelly, Galura,

4 Morris, and Finander are DISMISSED with prejudice and without leave to amend;

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6 (2) Plaintiff's deliberate indifference claim against Defendant Fitter is DISMISSED

7 with leave to amend;

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9 (3) Plaintiff's First Amendment retaliation claims against Defendants Finander and

10 Olukanmi are DISMISSED with prejudice and without leave to amend;

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12 (4) all claims against Defendants Does 1-10 are DISMISSED with prejudice and

13 without leave to amend; and

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15 (5) within 30 days of this Order, Plaintiff shall file either a Second Amended Complaint

16 consistent with the Report; or a signed document entitled "Notice Of Intent Not To File

17 Second Amended Complaint" expressing Plaintiff's wish to proceed only on his deliberate

18 indifference claims against Defendants Chin, Olukanmi, Wu, and Acosta.

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20 A Second Amended Complaint shall not include: new defendants; new allegations that

21 are not reasonably related to the claims asserted in the First Amended Complaint; or claims

22 against defendants who have been dismissed with prejudice.

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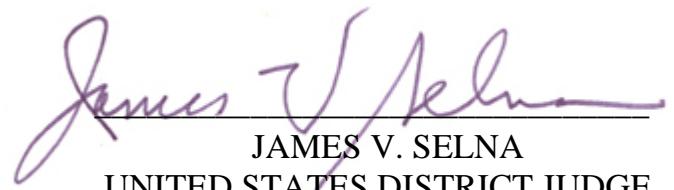
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25 DATED: October 18, 2016

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JAMES V. SELNA  
UNITED STATES DISTRICT JUDGE